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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,190	04/15/1999	LUCIANO CHAVEZ JR.	AT9-98-737	3199

7590 06/14/2002

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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
09/292,190Applicant(s)
ChavezExaminer
Khanh DinhArt Unit
2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED May 28, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires THREE months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
The Request for Consideration for claims 1-7, 10, 12-17 and 21-22 has been fully considered but they are found not persuasive (see attachment).

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 8, 9, 11, and 18-20

Claim(s) rejected: 1-7, 10, 12-17, 21, and 22

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

DAVID WILEY
PRIMARY EXAMINER

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ATTACHMENT

1. This is in response to the Response to Final Action filed on 5/28/2002 (paper # 6).

Claims 1-22 are presented for examination.

Response to Arguments

2. Applicant's arguments filed on 5/28/2002 have been fully considered but they are found not persuasive.

* Applicant asserts that the Wolff reference does not disclose the server responding to requests directed to a set of server names and executing the function in a server name context on the server as directed by the input specifying the server name.

Examiner respectfully disagrees. Wolff clearly discloses the server responding to requests directed to a set of server names and executing the function in a server name context on the server as directed by the input specifying the server name (i.e., using some administrative servers such as 104B and 106B of fig. 1A to handle requests from normal client 100A, then the server 106B passes the I/O request via a path to the administration server, see fig. 1A, 1B, 2A, col.4 line 14 to col.5 line 67 and col.6 line 31 to col.7 line 58).

* *In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so*

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long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The applicant asserts that Examiner does not consider dependent claims.

** The examiner respectfully disagrees. The examiner DO consider dependent claims (see the last Office Action #5, mailed On 2/11/2002). Wolff clearly teaches or suggests the subject matter broadly recited in independent claims 1, 12 and 21 as required under 35 U.S.C 102(e). Claims 2-7, 10, 13-17 and 22 are rejected at least by virtue of their dependency on independent claims 1, 12 and 21 and by other reasons set forth in the previous Office Action (paper #3, mailed on 8/28/2001).*

Allowable Subject Matter

3. *Claims 8, 9, 11, 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

Conclusion

4. *Claims 1-7, 10, 12-17, 21 and 22 are rejected.*

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5. Claims 8, 9, 11, 18-20 are *objected*.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone numbers for this group are:


After Final: (703) 746-7239

Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
06/04/2002


DAVID WILEY
PRIMARY EXAMINER